

Service Date: January 9, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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| IN THE MATTER of the Complaint) | UTILITY DIVISION |
| of Hydrodynamics, Inc. with the) | |
| Montana Power Company re:) | DOCKET NO. 84.11.78 |
| Commission Order No. 5017.) | ORDER NO. 5596 |

ORDER DISMISSING COMPLAINT AND CLOSING DOCKET

BACKGROUND

On November 28, 1984 the Montana Public Service Commission (Commission) received a complaint from Hydrodynamics, Inc. against Montana Power Company (MPC). Hydrodynamics requested that the Commission direct MPC to execute a Power Purchase Agreement with Hydrodynamics for the South Dry Creek Hydroelectric Power Project.

The Commission has no record of an answer by MPC or subsequent prosecution by Hydrodynamics.

FINDINGS OF FACT

The Commission finds that this matter should be dismissed for lack of subsequent action by the complainant.

CONCLUSIONS OF LAW

The Commission exercises jurisdiction over purchase power contracts between small power production facilities and public utilities pursuant to §§ 69-3-601 et seq., MCA.

Upon petition of a qualifying small power production facility the Commission shall determine rates and conditions of a contract for sale of electricity to a utility under the Commission's jurisdiction. §§ 69-3-603 and 69-3-604, MCA.

ORDER

WHEREFORE, the Commission hereby orders that the Complaint shall be dismissed and this Docket shall be closed.

Done and Dated this 6th day of January, 1992 by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

BOB ANDERSON, Commissioner

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

NOTE: Any interested party may request that the Commission
reconsider this decision. A motion to reconsider must be filed within ten (10) days.
See ARM 38.2.4806.

(SEAL)